

Article - Public Safety

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§13A–706.

(a) (1) (i) The military judge and members of a general or special court–martial may be challenged by the accused or the trial counsel for cause stated to the court.

(ii) The military judge shall determine the relevancy and validity of challenges for cause and may not receive a challenge to more than one person at a time.

(iii) Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) (i) Subject to subparagraph (ii) of this paragraph, if exercise of a challenge for cause reduces the court below the number of members required by § 13A–401 of this title, all parties shall, notwithstanding § 13A–508 of this title, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court.

(ii) Peremptory challenges may not be exercised at that time.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court.

(ii) The military judge may not be challenged except for cause.

(2) If exercise of a peremptory challenge reduces the court below the number of members required by § 13A–401 of this title, the parties shall, notwithstanding § 13A–508 of this title, either exercise or waive any remaining peremptory challenge, not previously waived, against the remaining members of the court before additional members are detailed to the court.

(3) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

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